



Kurt E. Floren
Agricultural Commissioner
Director of Weights and Measures

COUNTY OF LOS ANGELES

Department of Agricultural Commissioner/ Weights and Measures

12300 Lower Azusa Road
Arcadia, California 91006-5872
<http://acwm.lacounty.gov>



Richard K. Iizuka
Chief Deputy

January 13, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION DECLARING NOXIOUS OR DANGEROUS
WEEDS, BRUSH, RUBBISH, ETC., IN LOS ANGELES COUNTY
A SEASONAL AND RECURRING PUBLIC NUISANCE
(ALL DISTRICTS) (3-VOTES)**

SUBJECT

The Department of Agricultural Commissioner/Weights and Measures (ACWM) provides hazardous weed and rubbish abatement services throughout most of Los Angeles County (County) with a primary focus on unimproved vacant properties.

This resolution, as well as the associated Board Hearing, are part of the legal steps required for ACWM to conduct this important public safety function.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the attached resolution and establish the following dates and times for Hearing of Protests before the Weed Abatement Referee:
 - February 24, 2009, from 9:30 a.m. until noon in the conference room of ACWM, located at 12300 Lower Azusa Road, Arcadia; and
 - February 25, 2009 at 9:30 a.m. until noon in the Antelope Valley at 335A E. Avenue K-6, Lancaster.
2. Set March 24, 2009, at 9:30 a.m. as the date and time for hearing on the Weed Abatement Referee's Hearing Report to abate noxious or dangerous weeds, brush, rubbish, etc., on designated parcels of land.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:

Approve the 2009 Weed Abatement Referee's Hearing Report.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Attached is a resolution declaring noxious or dangerous weeds, brush, rubbish, etc., in the County a seasonal and recurring public nuisance when found existing upon or in front of certain properties, most of which are unimproved (vacant). Said properties have been found, by inspection, to be overgrown with weeds and brush or to contain flammable rubbish. Said weeds, brush, or rubbish have attained such a growth or condition to become a fire hazard to adjacent improved property or otherwise be a public nuisance. The County has a duty to protect the public safety and to take actions necessary to abate a public nuisance.

Implementation of Strategic Plan Goals

This action supports the County's Strategic Plan Goal 3: Organizational Effectiveness and Goal 4: Fiscal Responsibility. The process of declaring, by resolution, weeds, brush, or rubbish hazards on properties to be public nuisances pursuant to the California Health and Safety Code, allows ACWM to assess upon the properties the costs for enforcing abatement, including investigation, boundary determination, measurement, clerical and other related costs. In addition, the declaration process allows ACWM to respond to weed, brush, or rubbish hazards more quickly and effectively than using alternate nuisance abatement procedures.

FISCAL IMPACT/FINANCING

There is no net County cost.

ACWM will assess charges directly to any private property owner who does not comply with a notice to abate and, thereby, necessitates the use of our services. Costs for the weed abatement services are recovered by assessments or direct billings and include full overhead charges.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Weed, brush and rubbish abatement will be conducted pursuant to Sections 13879 and 14875-14922 of the California Health and Safety Code (Code). The initial step of the process is a resolution of the Board declaring weeds, brush and rubbish on designated properties to be a public nuisance. Following the resolution, a notice to destroy weeds, remove brush, rubbish and refuse will be mailed to each property owner in the form prescribed by Section 14892 of the Code. An affidavit of mailing will be returned to you when the mailing of notices, as required by Section 14896 of the Code, has been completed. After the notices have been mailed, initial public hearings will be held before

the Weed Abatement Referee in Arcadia and the Antelope Valley, at which time the owners of affected properties who have objections or questions will be heard and given due consideration. Owners whose objections or questions were not resolved at the initial hearings may appear before the Board for a final hearing on March 24.

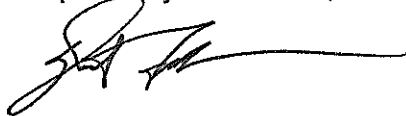
ACWM has adopted as policy relating to the clearance of weeds and brush that reasonable estimates of charges will be given if the projected charges are in excess of \$750 for work other than routine discing.

The resolution has been reviewed by County Counsel and is approved as to form.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

ACWM will hire seasonal employees and contract with private contractors for equipment, equipment operators, and manual laborers to perform the required weed abatement services.

Respectfully submitted,



Kurt E. Floren
Agricultural Commissioner
Director of Weights and Measures

KEF:RKI:RBS:cm

Attachments

c: Maya Lee, County Counsel
Auditor-Controller
Fire Department

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
DECLARING PUBLIC NUISANCE

WHEREAS, weeds or other vegetation growing upon property and/or upon the streets and sidewalks in front of such property often is not pruned or is otherwise neglected so as to attain such large growth as to become, when dry, a fire menace to adjacent improved property, or is otherwise noxious or dangerous; and

WHEREAS, the presence of neglected, noxious or dangerous vegetation including weeds, dry grass, stubble and brush, and litter, rubbish, refuse, or other flammable materials, upon streets, sidewalks, and property, are conditions which endanger the public safety and constitute a public nuisance and should therefore be abated; and

WHEREAS, such neglected, noxious or dangerous vegetation, or litter, rubbish, refuse, or other flammable materials are a seasonal and recurrent nuisance on such property located within the County of Los Angeles (the "County"); and

WHEREAS, the County of Los Angeles has a duty to protect the public safety and to take actions necessary to abate a public nuisance; and

WHEREAS, Division 12, Part 2.7 (Section 13879) and Part 5 (Sections 14875 through 14922, inclusive) of the California Health and Safety Code, authorizes the Board of Supervisors, by resolution, to declare such neglected, noxious or dangerous vegetation,

or litter, rubbish, refuse, or other flammable materials a public nuisance and to authorize the abatement thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AS FOLLOWS:

SECTION 1. Board Finds. The Board of Supervisors of the County of Los Angeles hereby finds that the neglected, noxious or dangerous vegetation, or litter, refuse, or other flammable material in and upon and in front of the real property as described in Exhibit 1, constitute and are hereby declared to be a seasonal recurrent public nuisance which should be abated.

SECTION 2. Notice. (a) The County Agricultural Commissioner/Director of Weights and Measures (Commissioner) is hereby designated, authorized and directed to give notice to destroy and/or remove said neglected, noxious or dangerous vegetation, or litter, refuse, or other flammable material from the described properties.

(b) Not less than 10 days prior to the date of the hearing, the Commissioner shall cause notice to be given to each property owner by mail as their names and addresses appear from the last equalized assessment roll or as they are known to the clerk.

SECTION 3. Hearings. On Tuesday, the 24th of February, 2009, from 9:30 a.m. until noon in the conference room of the Agricultural Commissioner, located at 12300 Lower Azusa Rd., Arcadia, California and on Wednesday, the 25th of February, 2009, from 9:30 a.m. until noon in the Antelope Valley at 335A E. Avenue K-6, Lancaster, are

fixed by this Board as the times and places when and where any and all property owners having any objections to the aforementioned proposed removal of neglected, noxious or dangerous vegetation, or litter, refuse, or other flammable materials may appear before the Weed Abatement Referee and show cause why said neglected, noxious or dangerous vegetation, or litter, refuse, or other flammable material should not be removed in accordance with this resolution, and said objections will then and there be heard and given due consideration.

SECTION 4. Recovery of Inspection Costs. (a) The Commissioner is hereby authorized and directed to recover its cost of inspection of the properties hereinabove described in a manner consistent with prior action of the Board adopting a fee schedule for such inspections. The recovery of these costs is vital to the ongoing operation governing the identification and abatement of those properties that constitute a public nuisance and endanger the public safety.

(b) The owners of the property, upon which, or in front of which the nuisance exists, shall be presented, both in writing and at the above-referenced hearing, with information regarding the cost of inspection.

EXHIBIT 1

DESCRIPTION OF PROPERTIES

In accordance with Division 12, Part 5, Chapter 2 of the California Health and Safety Code (commencing with Section 14880), the properties, upon which, or in front of which the nuisance exists, are hereby described in the Declaration List of properties.

NOTICE TO DESTROY WEEDS,
REMOVE BRUSH, RUBBISH AND REFUSE

NOTICE IS HEREBY GIVEN THAT on January 13, 2009, the Board of Supervisors of the County of Los Angeles passed or will pass a resolution declaring noxious or dangerous vegetation including weeds, brush, tumbleweeds, sagebrush and chaparral or rubbish and refuse were growing or occurring upon or in front of said property on certain streets in said city or unincorporated area of the County of Los Angeles, and more particularly described in the resolution, and that they constitute a fire hazard or public nuisance which must be abated by the removal of said noxious or dangerous vegetation, rubbish and refuse, otherwise they may be removed and the nuisance abated by County authorities and the cost of removal assessed upon the land from or in front of which the noxious or dangerous vegetation, rubbish and refuse are removed. Such cost will constitute a special assessment against such lots or lands. Reference is hereby made to said resolution for further particulars. In addition, the Board of Supervisors authorized and directed the Agricultural Commissioner to recover its costs of details. All property owners having any objections to the proposed removal of noxious or dangerous vegetation, rubbish and refuse and the recovery of inspection costs, are hereby notified that they may attend a weed abatement referee hearing at (1) in the Antelope Valley at Los Angeles County Administrative Bldg. 335 A East Ave., K-6, Lancaster, CA 93535, on Wednesday, February 25, 2009, from 9:30 a.m. until noon OR (2) a hearing of the Weed Abatement Referee at 12300 Lower Azusa Road, Arcadia, CA 91006-5872, on February 24, 2009, from 9:30 a.m. until 12:00 noon.

Protests which are not resolved will be sent before the Board of Supervisors where their objections will be heard and given due consideration.

If the property owner does not want to present objections to the proposed removal of the noxious or dangerous vegetation including weeds, brush, tumbleweeds, sagebrush and chaparral or rubbish and refuse, or the recovery of inspections costs, the owner need not appear at the above mentioned hearings.

The foregoing resolution was on
the _____ day of _____, 2009,
adopted by the Board of Supervisors of the County
of Los Angeles and ex officio the governing body
of all other special assessment and taxing districts,
agencies and authorities for which said Board so acts.

SACHI A. HAMAI, Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM
BY COUNTY COUNSEL

RAYMOND G. FORTNER, JR.

By Mayerlee
Deputy

RESPONSE CARD

ZONE	ASSESSORS I.D. NUMBER	MAPBOOK	PAGE	PARCEL

Ownership Changed (Date) _____

New owner's name _____

New owner's address _____

☐ Improved and/or completely landscaped

☐ Owner will maintain property throughout the year

Owner's Response _____

Print Name _____ Daytime Phone () _____

For change of address, contact L.A. County Assessor's Office, Ownership Services, at (888) 807-2111.

TO RESPOND ONLINE, GO TO <http://acwm.lacounty.gov>

NOTICE TO DESTROY WEEDS, REMOVE BRUSH, RUBBISH AND REFUSE

passed or will pass a resolution declaring noxious or dangerous vegetation including weeds, brush, tumbleweeds, sagebrush and chaparral or rubbish and refuse were growing or occurring upon or in front of said property on certain streets in said city or unincorporated area of the County of Los Angeles, and more particularly described in the resolution, and that they constitute a fire hazard or public nuisance which must be abated by the removal of said noxious or dangerous vegetation, rubbish and refuse, otherwise they may be removed and the nuisance abated by County authorities and the cost of removal assessed upon the land from or in front of which the noxious or dangerous vegetation, rubbish and refuse are removed. Such cost will constitute a special assessment against such lots or lands. Reference is hereby made to said resolution for further particulars. In addition, the Board of Supervisors authorized and directed the Agricultural Commissioner to recover its costs of details. All property owners having any objections to the proposed removal of noxious or dangerous vegetation, rubbish and refuse and the recovery of inspection costs, are hereby notified that they may attend a weed abatement ~~relaxea~~ hearing (1) in the Antelope Valley at

Los Angeles County Administrative Bldg. 335 A East Ave, K-6, Lancaster, CA 93535, on Wednesday, February 25, 2009 from 9:30 a.m. until noon OR (2) a hearing of the

where their objections will be heard and given due consideration. If the property owner does not want to present objections to the proposed removal of the noxious or dangerous vegetation including weeds, brush, tumbleweeds, sagebrush and chaparral or rubbish and refuse, or the recovery of inspection costs, the owner need not appear at the above mentioned hearings.

ASSESSORS I.D. NUMBER	THIS NOTICE DATED
MAPBOOK	PAGE
	PARCEL

PROPERTY DESCRIPTION

LEGAL NOTICE

IMPORTANT YEAR 2009

WEED ABATEMENT NOTICE

COUNTY OF LOS ANGELES
AGRICULTURAL COMMISSIONER /
WEIGHTS AND MEASURES
WEED ABATEMENT DIVISION
12300 LOWER AZUSA ROAD
ARCADIA, CA 91006-5872

DETACH RESPONSE CARD ALONG DOTTED LINE AND RETURN

PLACE
STAMP
HERE

COUNTY OF LOS ANGELES
AGRICULTURAL COMMISSIONER/
WEEDS AND MEASURES
WEED ABATEMENT DIVISION
12300 LOWER AZUSA ROAD
ARCADIA, CA 91006-5872

THIS IS NOT A CITATION OR A SUMMONS. HOWEVER, YOUR PROPERTY MAY BE IN VIOLATION OF THE LOS ANGELES COUNTY FIRE CODE, A SPECIFIC CITY FIRE CODE, OR OTHERWISE CONTAIN A PUBLIC NUISANCE. YOU ARE NOT REQUIRED TO APPEAR AT THE WEED ABATEMENT REFEREE OR CITY COUNCIL HEARINGS.

You are the recorded owner of a parcel which is declared to contain an existing or potential hazard to the health and safety of the community. It is your responsibility to maintain this property throughout the year. The Fire Code requires the removal of flammable vegetation or combustible growth up to 100 feet from any structure and 10 feet from roadsides. Clearance up to 200 feet may be required in areas deemed by the local jurisdictional fire station or the Agricultural Commissioner to be extra hazardous due to brush growth, topographic features, construction, or the structure location. Owners of parcels that are within the jurisdiction of the Coastal Commission may be required to obtain a permit prior to the removal of any nuisance vegetation. Please contact the Coastal Commission for permit information. Property that is not maintained by the owner may be maintained by the County, with the cost of such maintenance listed as a separate item (LA CO HAZ ABATE) on the annual tax bill. In the case of tax exempt and common area parcels, the maintenance cost will be billed directly to the owner. The County may begin clearing operations April 1st, weather permitting.

The Board of Supervisors has authorized an inspection fee of \$46.10 which will be assessed against all affected properties, whether or not they are cleared by the property owner. All declared improved and unimproved properties in the City of Monterey Park will be assessed the inspection fee.

RESPONSE CARD INSTRUCTIONS: (COMPLETE AND RETURN EACH YEAR OR GO TO <http://acwm.lacounty.gov> TO RESPOND ONLINE)

If you are no longer the owner of the property identified by this mailing, please notify the County immediately. If you sell or have sold your property, failure to properly notify the new owner of this legal notice may make you liable for all hazard abatement charges assessed to the property.

If your unimproved parcel has been recently improved with a structure and/or completely landscaped, indicate this on the attached Response Card and return it no later than March 15.

In some areas like the Antelope Valley entire clearing of tumbleweed or other noxious weed source field and illegal dump site parcels may be required.

If you intend to maintain your own property, indicate this in the "Owner's Response" section of the attached Response Card, and return it no later than March 15. The area inspector will set clearance deadlines immediately after March 15th response date! If you have any questions about the program or your responsibilities, please call (626) 575-5484.

DUST: You are responsible for dust generated by clearing and from cleared lots. Air Quality Management District (AQMD) rules place restrictions on soil disturbance in most areas. For details, contact the South Coast or Mojave Desert AQMD office.

In the interest of public safety, your cooperation is encouraged and appreciated.

For additional information: (626) 575-5484. Telecommunications for the Hearing Impaired: (626) 575-5520. Para más información llame al (626) 575-5462.